

# UNITED STATES COPYRIGHT ROYALTY JUDGES

In the Matter of	}	
	}	
Distribution of 2000, 2001, 2002	}	Docket No. 2008-2 CRB CD 2000-2003
and 2003 Cable Royalty Funds	}	(Phase II)
	}	

## ORDER DENYING MOTION TO COMPEL IDENTIFICATION OF IPG-REPRESENTED SPORTS PROGRAMS

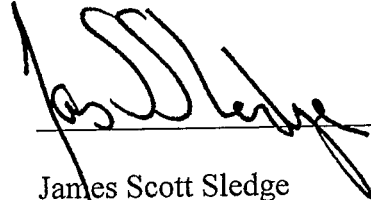
On August 1, 2011, the Office of the Commissioner of Baseball, the National Basketball Association, the National Football League, the National Hockey Leagues, the Women's National Basketball Association, and the National Collegiate Athletic Association (collectively, the "Joint Sports Claimants" or "JSC") filed a motion requesting the Copyright Royalty Judges ("Judges"), in the above-captioned proceeding, to order the Independent Producers Group ("IPG") to identify the programming for which IPG claims a share of royalties in the Phase I sports category. The Joint Sports Claimants assert that such information is necessary because, "[a]bsent that basic information, JSC is not able to engage in any meaningful voluntary negotiations with IPG concerning the 2000-03 cable royalties, nor is JSC able to prepare its direct case for submission in any evidentiary proceedings." *Motion to Compel Identification of IPG-represented Sports Programs*, at 1-2 (August 1, 2011)(citations omitted). IPG opposes the motion, as do the National Association of Broadcasters ("NAB"), the Settling Devotional Claimants, and the MPAA-represented Program Suppliers.

In support of its Motion, the Joint Sports Claimants do not point to a rule or ruling of the Judges that requires disclosure, at this stage of the proceeding, of the programs represented by a particular party. IPG has filed a joint petition to participate, as provided by 17 U.S.C. §803(b)(1) & (2) and 37 C.F.R. §351.1(b) of the Judges' rules, identifying a number of participants that it purports to represent. NAB points out that it would have been helpful if IPG had filed separate petitions to participate for each of the program categories (in this case, sports, devotional and program supplier categories) identifying the participants to each category, and the cable royalties years involved. *Opposition of the National Association of Broadcasters to Joint Sports Claimants Motion to Compel* at 3 (August 9, 2011). While this may well have been helpful, there is no specific requirement in the statute or the rules that obliges a participant to file separate petitions for each of the program categories. Nor is the greater refinement of program identification specifically required at this time before the voluntary negotiation period has been initiated. Consequently, the Joint Sports Claimants' motion must be denied.<sup>1</sup>

<sup>1</sup> Settling Devotional Claimants', MPAA-Represented Program Suppliers and NAB reviewed unique circumstances of IPG's claims that may warrant some method "to determine the threshold question of IPG's eligibility...". NAB Opposition at 4. Settling Devotional Claimants and MPAA-Represented Program

Wherefore, the Joint Sports Claimants' Motion to Compel Identification of IPG-represented Sports Programs **IS DENIED**.

**SO ORDERED.**

A handwritten signature in black ink, appearing to read 'James Scott Sledge', is written over a horizontal line.

James Scott Sledge  
Chief U.S. Copyright Royalty Judge

DATED: August 17, 2011

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Suppliers advocated that the Judges adopt a tailored solution. However, as NAB noted, such relief has not been requested.